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FACE THE NATION

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**GUESTS: Senator CHARLES SCHUMER, (D-NY)
Judiciary Committee**

**Senator LINDSEY GRAHAM, (R-SC)
Judiciary Committee**

**JAN CRAWFORD GREENBURG
The Chicago Tribune**

**DAN BALZ
The Washington Post**

MODERATOR: BOB SCHIEFFER - CBS News

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**FACE THE NATION - CBS NEWS
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BOB SCHIEFFER, host:

Today on FACE THE NATION, a White House aide is indicted, and Harriet Miers' nomination is withdrawn. Where does the White House go from here? By any measure, it was a kind of week not often seen in Washington: a top White House aide, Lewis Libby, indicted for perjury; a Supreme Court nomination withdrawn; the death toll in Iraq passing the macabre milestone of 2,000; and new complaints about the federal response to yet another hurricane. We'll talk about all of it with two key senators, Republican Lindsey Graham and Democrat Chuck Schumer. And we'll bring in Jan Crawford Greenburg of the Chicago Tribune and Dan Balz of The Washington Post.

I'll have a final word on smear and loathing, and should that be a part of journalism? But, first, turmoil at the White House on FACE THE NATION.

Announcer: FACE THE NATION with CBS News chief Washington correspondent Bob Schieffer. And now from CBS News in Washington, Bob Schieffer.

SCHIEFFER: And good morning again.

Well, the story's been a shocker from the start: a secret war between the CIA and the White House over whether Saddam Hussein was trying to build a nuclear weapon, the cover of a secret agent for the CIA blown because her husband was a critic of the administration. The one thing that has been overlooked in all of this is what was the impact on Valerie Plame herself, this woman whose cover was blown? Well, Ed Bradley sat down with her husband Joe Wilson this week. Here's how he described it.

(Excerpt from "60 Minutes")

ED BRADLEY: When she saw the column, what was her reaction?

Former Ambassador JOE WILSON: She felt like she'd been hit in the stomach. It took her breath away. She recovered quickly, because, of course, you don't do what she did for a living without understanding stress, and she became very matter of fact right afterwards and started making lists of what she had to do to ensure that her assets, her projects, her programs and her operations were protected.

BRADLEY: Did she realize then that her career as an undercover agent for the CIA was over?

Mr. WILSON: Absolutely. Sure. There was no doubt about it in her mind. And she wondered for what.

(End of excerpt)

SCHIEFFER: There will be more of this interview tonight on "60 Minutes."

And now we want to talk about all of this with two key senators, Democrat Chuck Schumer of New York, and Republican Lindsey Graham, who argued the case for impeachment at Bill Clinton's Senate trial. Joining the questioning this morning, our friend Jan Crawford Greenburg of the Chicago Tribune.

Senator Graham, clearly, this woman was damaged by all of this. But do you believe that national security was harmed?

Senator LINDSEY GRAHAM (Republican, South Carolina; Judiciary Committee): It appears to be from the indictment a singular act by Mr. Libby not to disclose her identity under the statute in question, which is a good statute that it's a crime to disclose a CIA operative. But when it came to the grand jury, he gave false

testimony allegedly about his interaction. But the underlying charge that started this investigation never materialized. So you have to put it in that perspective. Is it a good thing to give false information? No. Is this a different story than if it had been about Karl Rove? Yes. Is it a different story than if it had been about trying to disclose her identity to put her at risk? Yes. It's a bad story but it's a different story than the way it started.

SCHIEFFER: What about you, Senator Schumer, do you think our security was harmed by all of this?

Senator CHARLES SCHUMER (Democrat, New York; Judiciary Committee): Well, if you ask Valerie Plame and you ask people in the CIA, they definitely say yes. Lindsey is right. A criminal standard wasn't met. But that doesn't mean that real harm wasn't done. These agents risk their lives for us, they have operatives that risk their lives. And when you expose the name of such an agent, you do harm. No question.

SCHIEFFER: Jan.

Ms. JAN CRAWFORD GREENBURG (Chicago Tribune): Senator Schumer, did you expect more sweeping findings than what we saw on Friday?

Sen. SCHUMER: You know, I have very good faith in prosecutor Fitzgerald. I had called for an independent counsel, and when they announced Fitzgerald I said, 'He's a prosecutor's prosecutor,' and I'm going to stick with that. But I think that there are a few other things that go beyond the specific findings. The most important thing here is I think what it shows is that there is a White House that has run out of steam, whether it's ethical issues or Katrina or Iraq or the budget deficit, high gas prices. So many things are out of control.

And the real question for President Bush is going to be, is he going to be like Nixon, hunker down, get into the bunker, admit no mistakes, or like Reagan, who actually admitted mistakes, did a midcourse correction and brought in new people, bipartisan people, people above ethical reproach, into the White House. This is the fundamental question for the White House. They are at a real turning point. Thus far they've admitted no mistakes at all. That's not a good sign or a good attitude.

Ms. GREENBURG: Well, let me ask Senator Graham. I mean, what does the White House need to do to get back on track and--so the president can govern for the next three years?

Sen. GRAHAM: I think make some adjustments. Number one, he said he took responsibility for the federal response of Katrina. This has been a bad week. The nominee for the Supreme Court withdrew. He had an indictment of the chief of staff of the vice president. He had the 2,000 milestone mark in deaths in Iraq. But as--to be honest with you, politically, this is not anything that can't be overcome.

When it comes to Iraq, what I think we desperately need is some benchmarks for troop training. Every time we set a political goal, the Iraqi people have met it. Every time we set a deadline on political progress, they've met it. Let's now set some deadlines on troop training so that the American people can understand we're making progress. When it comes to gas prices, that defines us as much as anything. They're going to stabilize. They're going to go down, but let's put pressure on the oil companies...

SCHIEFFER: Let me...

Sen. GRAHAM: ...as Republicans to do that.

SCHIEFFER: Let me just kind of get back to this for a second...

Sen. GRAHAM: Sure.

SCHIEFFER: ...Senator Graham. I want to ask you this: You were one of the managers...

Sen. GRAHAM: Yeah.

SCHIEFFER: ...of the impeachment charges that were brought against Bill Clinton. You argued that on the floor of the Senate.

Sen. GRAHAM: Right.

SCHIEFFER: We saw some very unusual things happen when this prosecutor issued this indictment. I mean, there are still some questions. Who told Robert Novak about it in the beginning?

Sen. GRAHAM: Right.

SCHIEFFER: He was the first one to break the story. We also saw this very unusual thing that the investigation is being held open. Many people expected Karl Rove to be indicted. Now we're hearing reports that maybe there's--he gave some new information right at the end to the independent counsel. What do you think this is all about? Some people are saying he's trying to cut a deal. What do you think is going on there?

Sen. GRAHAM: I believe if there was a reason to charge Karl Rove, he would have been charged. A prosecutor will keep open his options because we don't know what's going to unfold in the course of Mr. Libby defending himself. But I think the likelihood of Karl Rove being indicted in the future is virtually zero.

Sen. SCHUMER: Except...

Sen. GRAHAM: I think this will be seen in history and in politics as Mr. Libby giving false information, if proven, and it will not be about an effort by the vice president to disclose a CIA operative, Mr. Libby or Mr. Rove. It what it is. And it's not about the war. When Mr. Fitzgerald was asked, 'Does this prove that the war was based on a falsehood?', he gave a very good answer: 'To those who dislike the war, and those who are for the war, this doesn't prove it one way or the other. This is about a man who is alleged to give false information and false testimony.'

SCHIEFFER: Well, let me ask Senator Schumer, because we shouldn't forget he's also a lawyer.

Sen. GRAHAM: Right.

SCHIEFFER: Senator Schumer, what do you think is going on here? Should we hear more from this independent counsel?

Sen. SCHUMER: You know, I think there are some people who want to say, 'Well, this is just one little instance.' In terms of the criminal law at this point, it is, but let's not forget this is an ongoing investigation. We don't know where it's going to go.

But there are three other problems it shows. One, that Vice President Cheney's office was in a sort of campaign to not answer Wilson's allegations about nuclear weapons in Niger but to discredit his wife. That doesn't make America proud. And the president ought to do his own internal investigation of the vice

president's office, see what happened, set some standards, and if need be, take the vice president to the woodshed. The standards shouldn't just be escaping indictment.

Similarly with Karl Rove. In September of '03, Scott McClellan said he had spoken to Karl Rove and Karl Rove wanted to assure the American people he did not talk to a reporter about this. Now information comes out that he did talk to a reporter about this. It doesn't meet the criminal law standard. That's a very high one, but again it doesn't make us proud. The president again ought to have some non-political person look into this and see what should be done. And certainly there ought to be an explanation...

SCHIEFFER: All right. Well, let's see...

Sen. SCHUMER: ...because Karl Rove's credibility is at stake.

SCHIEFFER: ...what the Republican side of that is. 'Take the vice president to the woodshed,' Senator Graham...

Sen. GRAHAM: Well...

SCHIEFFER: ...and should there be an investigation?

Sen. GRAHAM: ...the vice president will probably be involved in the criminal proceeding if it goes to trial because he's alleged to have had a conversation about it. I really honestly believe this is the truth, that Joe Wilson, when he wrote the column critical of the Niger event, interjected into the debate that he was sent there by the vice president, and in the White House, they knew that wasn't true. They tried to set the record straight. And apparently they didn't violate the law in setting the record straight. The allegation is that when they told the grand jury about the process, they made some misstatements and false allegations.

SCHIEFFER: Well, do you think there ought to be an internal investigation here?

Sen. GRAHAM: Absolutely, but I think we also understand that you can't write an op-ed piece suggesting that you were sent to Niger by the vice president when you weren't and expect nobody...

SCHIEFFER: All right.

Sen. GRAHAM: ...to do anything about it.

SCHIEFFER: All right. Let's...

Sen. SCHUMER: No one is objecting to refuting what Wilson wrote in his op-ed piece.

SCHIEFFER: OK.

Sen. SCHUMER: The problem is when they say, 'Let's go reveal that his wife is an agent,' it's sort of like kneecapping.

SCHIEFFER: OK. Let's shift because we need to talk about Harriet Miers. Jan in her paper, the Chicago Tribune this morning, has on the front page a story that says the White House has narrowed down the president's--who's going to be his nominee to the Supreme Court: Sam Alito on the appellate court in New Jersey and Mike Luttig who is on the appellate court down in Virginia.

Jan, pose the question.

Ms. GREENBURG: I'd just like to ask Senator Schumer--I mean, you know, you know these--you're aware of these judges. Would they be subject to a filibuster?

Sen. SCHUMER: Well, it's much too soon to tell. You know, the president has a real choice here, Jan, and that is: Does he appeal to the extreme wing of his party or does he try to nominate someone in the mold of Sandra Day O'Connor, conservative but mainstream, a consensus appointment. If the president again hunkers down and says, 'OK. I'm going to get in the bunker and be with my extreme folks,' but do things that are not going to please all of America, it's not going to bode well for the nomination, for the Supreme Court or for his presidency. The reason the president's first two nominees were stealth nominees in the sense that we didn't know their views is because he knows that if someone is overtly allied with these very extreme people it's not what the America people want.

Ms. GREENBURG: But these are well-known, highly regarded federal appeals court judges with clear judicial philosophy, just what you have called for--no stealth nominees. So how can you not say this morning that when we have a judge with a clear philosophy, he shouldn't get an up-or-down vote?

Sen. SCHUMER: Well, I didn't say that. What I'm saying here, Jan, is I'm not going to make any comments about any potential nominees. We have to study them and see who they are.

Ms. GREENBURG: But you won't rule out a filibuster.

Sen. SCHUMER: But what I am saying--no, you don't rule out anything. You don't put anything on the table. You don't put anything off the table. If it's going to be a nominee who is way, way out of the mainstream, who wants to use the courts to change America, something conservatives have always been against, at least in the past, there's the possibility of a filibuster but it's much too early to judge.

SCHIEFFER: Well, let's go to Senator Graham here.

Sen. GRAHAM: Well, number one, we're not going to let Senator Schumer define mainstream conservatism. He's my friend, but that's not going to happen.

Here's why I was part of the Gang of the 14, and I'm going to lay it all out on the table for you on a Sunday morning. I'm not for filibustering. I think when you start ideologically driven filibusters that are partisan, you erode the people who want to serve over time in the judiciary because it becomes reprisal politics. 'We're going to pay back the Democrats.' So partisan filibusters based on judicial philosophy or ideology erode the judiciary, weaken the presidency and hurt the Senate. So I wanted to stop that and we did. We had a chance to start over.

But here's what you're going to get, Chuck. You're going to get a solid conservative. He ran on the idea that 'I like Scalia and I like Thomas and I'm going to send a conservative up.' He is not going to pick someone in the mold of Sandra Day O'Connor because we tell him he has to. There's no ideological swap test here. He's going to do what he said he did in his campaign. Roberts was in that kind of mode. Alito, Luttig, all these people are solid conservatives, and if they're filibustered based on ideology and philosophy, that's setting aside an election and the filibuster will not stand.

Ms. GREENBURG: So you don't think they would...

Sen. SCHUMER: Well, there are two kinds...

Ms. GREENBURG: Well, you don't think they'd...

Sen. SCHUMER: There's two kinds...

Ms. GREENBURG: ...rise to the level of extraordinary...

Sen. GRAHAM: An extraordinary circumstance to me has never been about ideology or philosophy. It's got to be about character, qualifications, because if we make it about ideology and philosophy, we've taken the power of the president away.

SCHIEFFER: All right, gentlemen. I'm sorry.

Sen. SCHUMER: Well, I would just disagree.

SCHIEFFER: I'll give you 30 seconds here.

Sen. SCHUMER: Yeah. I would just disagree. Obviously there are conservatives who are mainstream and there are conservatives who are very extreme who would take people's rights away from the courts, whether it be civil rights or labor rights or environmental rights. That's what a nomination is all about. First qualification has to be capable. Second, are they going to make law or are they going to do what the Constitution says what they do, interpret law. That will be our number-one test. That's our number-one allegiance...

SCHIEFFER: OK.

Sen. SCHUMER: ...to the American people.

SCHIEFFER: All right. Thank you very much, both of you. We'll be back with the roundtable in just a minute.

(Announcements)

SCHIEFFER: And we're joined by Dan Waltz--Balz of the--Dan Waltz of 'The Washington Post'; Dan Balz, of course.

Dan, thanks for coming by. 'Take president--the vice president to the woodshed.' Do you see that happening?

Mr. DAN BALZ (The Washington Post): I think we would all pay money to get a report on that. I don't think that's likely. That's not the way this president operates. In talking to people yesterday about the question of is there a housecleaning coming, which has certainly been put on the table by outside critics of the administration, you don't get the sense that that's the style of this president, that whatever changes he may be contemplating may not come instantly and they may not be the kind of grand gestures that some people are suggesting, although the people around him say he's capable of making adjustments if he feels they're needed. So we'll have to see how he interprets the problems that he's got, how serious he takes them. And I think we'll begin to see that in his own actions.

SCHIEFFER: But he has some problems.

Mr. BALZ: Oh, there's no question about it. I mean, it--look, you know, the presidency's a very resilient institution, and events can move a president up and they can move a president down, and he's got a long time to try to come back. But if you look at what the situation is now, I mean, this is now a kind of a textbook

example of everything that can go wrong in a second term--ethical problems, legislative defeats, party rebellion, fatigue, some hubris at the White House and, hanging over all of that, is Iraq which is just an enormous problem for them.

Ms. GREENBURG: Three more years left to go. I mean, as Senator Graham just suggested, what it looks like they're going to try to do is refocus, reshift the debate, re-energize the party. And the Miers' failed nomination ironically gives the president the chance to push the reset button and change that debate. This week will be enormously important for the president with this nomination that we all expect either today or tomorrow.

SCHIEFFER: So you think, and this is your story, that he's got it down to Judge Alito and Judge Luttig? Do you think that that--the decision and the announcement will come pretty soon, Jan?

Ms. GREENBURG: My sources say it could come as early as today, or, perhaps, tomorrow. We'll get that this week. The White House wants to move quickly on this nomination. They're eager to put the Miers failed nomination behind it, attract--you know, get it off the front page, and some of the indictment news that's consuming everyone here in Washington. So, yes, we will get that announcement soon. And it's going to be--as Senator Graham also said earlier, it's going to be someone conservative and established, appellate court judge, Alito or Luttig. Right now, at this point, that is where they are going. Who can re-energize the base? It's got to be a sure thing. And the White House cannot afford to--another misstep, another mistake. They've got to have someone who can re-energize the party.

SCHIEFFER: You know, I must say, listening to the two senators here, I sometimes wonder if he can get anyone confirmed right now for the Supreme Court because the Democrats are going to be against anybody if they're not pro-choice and the Republicans, the hard right, is going to be against anybody who is pro-choice. What does he do here, Dan?

Mr. BALZ: Well, you know, I think it's certainly quite possible for him to get somebody confirmed. They do have 55 votes in the Senate that they can rely on if they can hold everybody solid. I think the political problem he faces right now is that he has, as the Miers withdrawal shows, a very demanding base. But he also has on the other side a very disaffected center of the electorate. I mean, his approval ratings now with independents are down in the low 30s. He has to address that at some point if the Republicans are going to come back and do reasonably well in the midterm elections. And people are already worried about the problems that they may face next year. So I think he's going to have to make a calculation of 'Do I continue with the strategy that we've pursued?', which is mostly tending to the debates, 'Or do I now have to pay more attention than I've been paying to the center?'

SCHIEFFER: In your poll out today, your newspaper's poll, shows his approval rating overall down to--What?--39 percent.

Mr. BALZ: Thirty-nine. It's the lowest that we've had in our poll during his presidency, 39 percent.

SCHIEFFER: Well, I mean, you're getting down into some very low numbers that other presidents have had and...

Mr. BALZ: Right.

SCHIEFFER: ...who were not able to survive that. So there's no question he has a problem. And overhanging all of this--I think, Dan, you said, just a minute ago--is the war. We still don't know how that's going.

Ms. GREENBURG: No, that--absolutely. And that's why I think the White House is very eager to energize its party, move forward with the nomination everyone can rally around for the Supreme Court, with all of the things that we've said hanging over the White House at this moment. The president cannot afford to have his friends abandon him, openly criticize him, buy television ads against his nominee, as we saw in the last week or two with Harriet Miers. That was a disaster, a terrible mistake, by the White House. They now have a chance to correct it and move forward.

SCHIEFFER: Well, all over the Sunday talk shows this morning people are saying that maybe it's time to think about moving out a lot of these people, and I think Harry Reid, the Senate majority leader, is saying, 'Rove should go now.' Do you think that would actually happen, Dan?

Mr. BALZ: I would be very surprised if Karl Rove left the White House unless he were, you know, indicted at some future point in this case. But, short of that, I think it would be unlikely. The question I think is: Will people come in? There has been talk that they may try to bring some people in. But the--but this is a president who clearly is most comfortable working with people he knows very well. It doesn't look like a president who is going to reach out beyond a circle of friends and trusted advisers in the way that Reagan did when he brought in Howard Baker after Iran Contra. The names that we hear about people coming in are people that are very familiar with the way he operates. So it doesn't seem like it's a big housecleaning that might be happening. But they clearly need an infusion of fresh people. I mean, if you look at this White House, the people who have been there have been there five years. They are tired. And they need some help on that front.

SCHIEFFER: I think that is a major factor in all this, quite frankly, as one who has watched a lot of people in the White House over a lot of years.

Well, thanks to both of you. We'll be back with a final word in just a second.

(Announcements)

SCHIEFFER: And finally today, when I was a young reporter covering the courthouse in Ft. Worth, I always found the best stories about the sheriff came from the county commissioners. The best stories about the county commissioners always came from the sheriff. When I got to Washington, my first beat was the Pentagon, and I knew nothing about defense policy, but I discovered the Pentagon was just one big courthouse. The straight scoop about the Air Force always came from the Navy. The straight scoop about the Navy always came from the Air Force.

News gets out because it is in someone's interest to have it out. A sort of dirty-tricks version of that is what led to Scooter Libby's perjury indictment. The CIA and the White House were in a fierce secret argument over whether Saddam Hussein was trying to build a nuclear weapon. If what the Libby indictment alleges is true, when war policy critic Joe Wilson said the White House claim was false, the president's men went after him. They secretly spread the word he was just a tool of the CIA because his wife worked there. In the process, they blew her cover as a secret agent.

Did Libby damage the national security? I don't know. But an anonymous smear campaign to destroy someone's credibility is unscrupulous at best, and we should expect more from officials in positions of trust. There is also a lesson here for reporters who accept such information, and we get a lot of it. We should always first ask ourselves: 'Why have I been given this information? Is it relevant, or am I just being used?'

Carrying the water for anonymous character assassins is not what journalism should be about.

That's it for us. We'll see you next week right here on FACE THE NATION.